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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record (partial)* of the 1284th meeting
Held at the Palais des Nations, Geneva, on Friday, 20 February 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Tuvalu (continued)
(CEDAW/C/TUV/3-4; CEDAW/C/TUV/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Tuvalu took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Tavita** (Tuvalu) said that a priority outcome of the new Tuvalu National Gender Policy of 2014 for the economic empowerment of women was to create an enabling environment for the full participation of women in economic development. Measures taken by the Government included making available grants for women to start their own businesses and working in partnership with the trade department in order to provide business training for women.

3. **Ms. Fauvaka Etuati** (Tuvalu) said that the Government had established a National Advisory Council on Climate Change in order to coordinate activities and programmes associated with climate change in a systematic and timely manner. Climate change activities were coordinated through the Office of the Prime Minister.

Articles 15 and 16

4. **Ms. Leinarte** said that women in Tuvalu were heavily dependent on agriculture for their daily survival; however, land laws and the landownership system were patrilineal. The land laws, which were governed by custom and tradition, did not guarantee equal rights and the State party had recognized that, in land matters, women were often discriminated against. In the distribution of an estate between sons and daughters, the share of the eldest son would exceed that of his brothers and sisters and, if there were no sons, the share of the eldest daughter would exceed that of her younger sisters. The delegation of Tuvalu had acknowledged that eldest sons were granted preference because they were expected to take care of the family. Despite consultations on land discrimination undertaken by the Department of Women Affairs, the Tuvalu Lands Code, which governed inheritance laws, had not been revised. The lack of legislative review was the major obstacle to equal rights for women in land inheritance and landownership. She asked the delegation to comment on possible changes to customs and traditional practices regarding inheritance and ownership of land.

5. Concerning early marriages, she noted that the age of marriage in Tuvalu was 16 years, which was not in line with the Convention. It was unlikely that a girl of such an age could express her consent voluntarily and, despite the lack of reports of forced marriages, a marriageable age of 16 could be perceived as a disguised form of early and forced marriage. A parent's consent to the marriage of anyone under the age of 21 could be interpreted as a demand.

6. According to tradition, a divorced woman was to be looked after by her own family. She wished to know what action the Government had taken to protect the property rights of women upon divorce.

7. **Ms. Fauvaka Etuati** (Tuvalu) confirmed that women were dependent on land for their family's survival.

8. **Ms. Italeli Talia** (Tuvalu) said that the Government intended to review the discriminatory provisions in the Native Lands Act and the Tuvalu Lands Code. Although

women were discriminated against in land inheritance matters, all women received a portion of land where it was distributed between the sons and daughters of an extended family. Land laws were patriarchal, but women could inherit land where no male heir existed, a practice that the Government intended to incorporate into the law.

9. The Government would also review the discriminatory practice in the Marriage Act whereby a child seeking to marry at the age of 16 would require the consent of the father, but not the mother.

10. In cases of divorce, judges would take into account whether the woman was employed when considering maintenance, custody of children and division of marital property. In practice, the interests of the child were paramount and children's wishes were given priority when awarding custody. Divorced mothers who were unemployed were awarded maintenance to be paid by the father and they had a right to claim matrimonial property.

11. **Ms. Leinarte** said that she wished to know more details about the cases of girls who became married at the age of 16 and whether it was because they became pregnant; in the absence of further information she would assume that the marriages requiring parental consent were arranged by the parents.

12. **Ms. Zou** Xiaoqiao commended the State party for its ratification of the Convention on the Rights of Persons with Disabilities and asked whether the Government intended to publish a national policy on the rights of persons with disabilities. She wished to know what measures the Government intended to take in order to assist women with disabilities, since it was her understanding that they faced multiple forms of discrimination.

13. **Ms. Itaeli Talia** (Tuvalu), referring to the Marriage Act, said that parental consent was required for children aged 16, since they were not considered mature enough to take such a decision. Although the social reasons were not clear, children in Tuvalu chose to marry at an early age based on their own wishes and the concept of arranged marriages was outdated. The Government intended to review the concept of parental consent so that it would include the mother and the father.

14. Tuvalu had only recently ratified the Convention on the Rights of Persons with Disabilities and the Government planned to complete work on a national policy on persons with disabilities by October 2015.

15. **The Chairperson** said that she was grateful to the delegation for its constructive dialogue with the Committee, which had provided further insight into the situation of women in Tuvalu, and encouraged the State party to take all necessary measures to address the various recommendations of the Committee.

The discussion covered in the summary record ended at 3.30 p.m.